

The 20th January, 1982

No. 9(1)81-6Lab./14985.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Haryana Agro Food and Fruit Processing Plant, Murthal:—

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 166 of 1979

between

SHRI MOOL CHAND, WORKMAN AND THE MANAGEMENT OF M/S HARYANA AGRO
FOOD AND FRUIT PROCESSING PLANT, MURTHAL

Present :—

No one for the workman.

Shri Surinder Kaushal, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor, —*vide* his order No. ID/SPT/71-79/37825, dated 30th August, 1979, under section 10(i)(c) of the I. D. Act for adjudication of the dispute existing between Shri Mool Chand and the management of M/s Haryana Agro Foods and Fruit Processing Plant, Murthal. The term of the reference was:—

Whether the termination of services of Shri Mool Chand was justified and in order? If not, to what relief is he entitled?

On the receipt of the order of reference notices as usual were sent to the parties. The parties appeared, filed their respective pleadings and the only issue 'As per the term of reference' was framed on the basis of the pleas of the parties. Shri Jiwan Bhardwaj Marketing Manager MSIDC, Chandigarh was examined as MW-1 for the management. The case of the management was closed. The workman did not appear on 13th November, 1980 to adduce his evidence and his case was closed and was proceeded *ex parte*. I heard the arguments and decide issue as under:—

From the statement of the management witness it is clear that the workman was terminated when he was found sleeping in his duty hours. No charge-sheet was issued to him nor any enquiry was held. The statement of MW-1 has neither been corroborated by any other witness. The extreme punishment inflicted on the workman is alarmingly harsh and disproportionate the offence and cannot be held to be justified when the workman was not given the opportunity of being heard. Though the workman has not come to pursue his demand yet the management too has failed to justify the punishment meted out to the workman. The workman is entitled to reinstatement with continuity of service but it denied the wages of the period he remained out of the service, for his failure to come to the witness box to depose in defence of his case. The reference is answered and returned accordingly.

Dated 12th December, 1981.

BANWARI LAL DALAL,

Presiding Officer,

Labour Court, Haryana, Rohtak.

Endst. No. 4323, dated 17th December, 1981

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

BANWARI LAL DALAL,

Presiding Officer,

Labour Court, Haryana, Rohtak.